

**STATE OF LOUISIANA
DIVISION OF ADMINISTRATIVE LAW
ETHICS ADJUDICATORY BOARD**

BOARD OF ETHICS

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* **DOCKET NO. 2020-0482-ETHICS-B**

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IN THE MATTER OF

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PATRICK E. "LIVE WIRE" LANDRY * AGENCY TRACKING NO. 5120-019

DECISION AND ORDER

Patrick E. "Live Wire" Landry knowingly failed to file three campaign finance disclosure reports as required by law. The Board of Ethics, acting in its capacity as the Supervisory Committee on Campaign Finance Disclosure, may impose upon Patrick E. "Live Wire" Landry additional civil penalties as allowed by La. R.S. 18:1505.4(A)(4)(a) and (b).

APPEARANCES

An adjudicatory hearing was conducted November 13, 2020, in Baton Rouge, Louisiana, before Panel B of the Ethics Adjudicatory Board (EAB).¹ Charles Reeves appeared as counsel on behalf of the Board of Ethics (BOE). Although duly noticed, Patrick E. "Live Wire" Landry (Respondent) did not appear for the hearing.²

STATEMENT OF THE CASE

The BOE requested that the EAB conduct an adjudicatory hearing to determine whether, pursuant to La. R.S. 18:1505.4(A)(4)(a), Respondent was more than six days late filing his 30-P campaign finance disclosure report for the October 12, 2019, primary election for the office of Governor of the State of Louisiana. The BOE also requested that the EAB conduct an adjudicatory

¹ Panel B of the EAB consists of Administrative Law Judges Gregory McDonald, Anthony Russo, and Esther Redmann.

² See BOE-15.

hearing to determine whether, pursuant to La. R.S. 18:1505.4(A)(4)(a), Respondent was more than six days late filing his 10-P campaign finance disclosure report for the October 12, 2019, primary election for the office of Governor of the State of Louisiana. The BOE also requested that the EAB conduct an adjudicatory hearing to determine whether, pursuant to La. R.S. 18:1505.4(A)(4)(b), Respondent was more than eleven days late filing his 10-G campaign finance disclosure report for the November 16, 2019, general election for the office of Governor of the State of Louisiana. If the 30-P or 10-P campaign finance disclosure reports were filed more than six days late, or if the 10-G campaign finance disclosure form was filed more than eleven days late, LA. R.S. 18:1505.4(A)(4) would authorize the BOE to impose upon Respondent additional civil penalties of up to \$10,000 per late report.

At the adjudicatory hearing, BOE offered its exhibits, numbered BOE-1 through BOE-16, which were admitted into evidence. The record was closed and the matter was submitted for decision.

This adjudication is conducted in accordance with the Campaign Finance Disclosure Act (CFDA), La. R.S. 18:1481, *et seq.*, the Code of Governmental Ethics, La. R.S. 42:1101, *et seq.*, and the Administrative Procedure Act, La. R.S. 49:950, *et seq.*

FINDINGS OF FACT

Respondent was an unsuccessful candidate for the office of Governor of the State of Louisiana, in a primary election held October 12, 2019.³ The office of Governor of the State of Louisiana is a “major” level office, as it is a statewide election.⁴ Respondent was defeated in the

³ See BOE-2; BOE-3, page 1. Respondent admitted, by operation of La. C.C.P. art. 1467(A), that he was a candidate for the office of Governor of the State of Louisiana. BOE-12, page 4; BOE-13; BOE-14, BOE-15, page 3.

⁴ See BOE-4, page 2.

primary election.⁵ The general election was held November 16, 2019.⁶ Respondent was required to file a campaign finance disclosure report thirty days prior to the primary election (also known as a 30-P), due on September 12, 2019; a campaign finance disclosure report ten days prior to the primary election (also known as a 10-P), due on October 2, 2019; and a campaign finance disclosure report ten days prior to the general election (also known as the 10-G), due on November 6, 2019.⁷

The BOE is the Supervisory Committee on Campaign Finance Disclosure under the CFDA.⁸ Election candidates, when qualifying at their respective clerks of court, are provided with BOE's Schedule of Reporting and Filing Dates for Candidates (Schedule).⁹ The Schedule informed Respondent that the 30-P report was due September 12, 2019, the 10-P report was due October 2, 2019, and the 10-G report was due November 6, 2019.¹⁰ Upon qualifying to run for office, Respondent also acknowledged that he was subject to the provisions of the Campaign Finance Disclosure Act.¹¹

Respondent did not file the required 30-P report by the due date, September 12, 2019.¹² The BOE issued a Late Fee Assessment Order and assessed a fine of \$2,500.00 for this violation.¹³ Respondent was notified in the letter accompanying the order that he could be subject to an additional assessment of \$10,000.00, pursuant to La. R.S. 18:1505.4(A)(4), if he failed to file the

⁵ BOE-3, page 1.

⁶ BOE-4.

⁷ BOE-4.

⁸ La. R.S. 18:1483(19).

⁹ See BOE-4.

¹⁰ *Id.*

¹¹ BOE-2, page 2. The Campaign Finance Disclosure Act, La. R.S. 18:1481, *et seq.*, also provides the same schedule of reports due. See, La. R.S. 18:1495.4(B)(3) - (5).

¹² BOE-11. See also, BOE-Respondent admitted, by operation of La. C.C.P. art. 1467(A), that he did not file a 30-P campaign finance disclosure report in connection with the October 12, 2019, primary election for the office of Governor of the State of Louisiana. BOE-12, page 4; BOE-13; BOE-14, BOE-15, page 3.

¹³ BOE-7. See also, BOE-8.

report.¹⁴ The 30-P report had not been filed as of November 10, 2020.¹⁵

Respondent did not file the required 10-P report by the due date, October 2, 2019.¹⁶ The BOE issued a Late Fee Assessment Order and assessed a fine of \$2,500.00 for this violation.¹⁷ Respondent was notified in the letter accompanying the order that he could be subject to an additional assessment of \$10,000.00, pursuant to La. R.S. 18:1505.4(A)(4), if he failed to file the report.¹⁸ The 10-P report had not been filed as of November 10, 2020.¹⁹

Respondent did not file the required 10-G report by the due date, November 6, 2019.²⁰ The BOE issued a Late Fee Assessment Order and assessed a fine of \$2,500.00 for this violation.²¹ Respondent was notified in the letter accompanying the order that he could be subject to an additional assessment of \$10,000.00, pursuant to La. R.S. 18:1505.4(A)(4), if he failed to file the report.²² The 10-G report had not been filed as of November 10, 2020.²³

Respondent failed to appear for the hearing or respond to the Late Fee Assessment Orders and accompanying letters, despite notice of the hearing and Late Fee Assessment Orders and accompanying letters being sent to his last known address.²⁴

CONCLUSIONS OF LAW

La. R.S. 18:1505.4(A)(4)(a) and (b) of CFDA provide that if, after conducting an

¹⁴ *Id.*, page 2. *See also*, BOE-8, page 2.

¹⁵ BOE-11.

¹⁶ BOE-11. *See also*, BOE-Respondent admitted, by operation of La. C.C.P. art. 1467(A), that he did not file a 10-P campaign finance disclosure report in connection with the October 12, 2019, primary election for the office of Governor of the State of Louisiana. BOE-12, page 4; BOE-13; BOE-14, BOE-15, page 3.

¹⁷ BOE-9.

¹⁸ *Id.*, page 2.

¹⁹ BOE-11.

²⁰ BOE-11. Respondent admitted, by operation of La. C.C.P. art. 1467(A), that he did not file a 10-G campaign finance disclosure report in connection with the October 12, 2019, primary election for the office of Governor of the State of Louisiana. BOE-12, page 5; BOE-13; BOE-14, BOE-15, page 3.

²¹ BOE-10.

²² *Id.*, page 2.

²³ BOE-11.

²⁴ BOE-7, BOE-8, BOE-9, BOE-10, BOE-11, BOE-15, BOE-16.

adjudicatory hearing, the EAB determines that a candidate knowingly failed to file the required campaign finance disclosure report, or filed it more than six days [La. R.S. 18:1505.4(A)(4)(a)] or eleven days [La. R.S. 18:1505.4(A)(4)(b)] late, then the BOE, functioning as the Supervisory Committee on Campaign Finance Disclosure, may impose upon the candidate additional civil penalties not to exceed \$10,000.00 per report.

In hearings under the CFDA before the EAB, the BOE must prove by clear and convincing evidence that the candidate knowingly failed to file a required campaign finance disclosure report (or filed it more than six or eleven days late). A rebuttable presumption of intent not to file reports exists when a candidate fails to submit any required report within three days after the final date for its filing.²⁵

The Governor of the State of Louisiana is a “major” level office, as it is a statewide elected office.²⁶ The BOE proved Respondent failed to timely file three campaign finance disclosure reports as a candidate for that office in the October 2019 primary election. Every candidate for “major” public office (or his campaign treasurer), who knowingly fails to timely file a required report may be assessed a civil penalty in the amount of \$100 per day, not to exceed \$2,500.²⁷ The BOE assessed the maximum amount of \$2,500.00 for each missing report, as the required reports were not filed by day 25 of the reports being late.²⁸ “Knowingly and willfully,” means conduct which could have been avoided through the exercise of due diligence.²⁹

By knowingly failing to file the required reports, Respondent violated the CFDA, and may

²⁵ See La. R.S. 42:1141.5(C). “‘Clear and convincing evidence’, in general, means that the fact of guilt must be proven to a greater degree than by ‘a mere preponderance of the evidence’ but less than by ‘beyond a reasonable doubt.’” *Louisiana State Bar Ass’n v. Edwins*, 329 So. 2d 437, 442 (La. 1976).

²⁶ La. R.S. 18:1505.1(A).

²⁷ La. R.S. 18:1483(11); La. R.S. 18:1484(1); BOE 4, page 2.

²⁸ La. R.S. 18:1505.4(A)(2)(a)(i).

²⁹ \$100.00 multiplied by 25 days equals \$2,500.00, the statutory maximum in La. R.S. 18:1505.4(A)(2)(a)(i).

³⁰ La. R.S. 18:1505.5.

be assessed a civil penalty up to \$10,000.00 by the BOE for each report.³⁰

Respondent failed to file his 30-P campaign finance disclosure report by September 12, 2019; he failed to file his 10-P campaign finance disclosure report by October 2, 2019; and he failed to file his 10-G campaign finance disclosure report by November 6, 2019. As of November 10, 2020, he had not filed any of the three reports. Respondent is more than six days late in filing his 30-P campaign finance disclosure report. Respondent is more than six days late in filing his 10-P campaign finance disclosure report. Respondent is more than eleven days late in filing his 10-G campaign finance disclosure report.

The EAB concludes that both the statute and the instructions provided in the Schedule prepared by the BOE contemplate that a candidate in the primary election, like Respondent, must file a 10-G report, even where he does not participate in the general election. The statute requiring the filing of the 10-G report, La. R.S. 18:1495.4(B)(5), provides:

B. A report shall be filed by a candidate for each regularly scheduled election in which the candidate participates according to the following schedule:

(5) Each candidate shall file a report no later than the tenth day prior to the general election which shall be complete through the twentieth day prior to the general election. This shall be the final report for the election for any candidate who does not participate in the general election, unless supplemental reports are required as provided in Subsection D of this Section. (emphasis added).

The Schedule of Reporting and Filing Dates³¹ informed Respondent the 10-G report was due November 6, 2019.³² The Schedule also advised Respondent that a 10-G report was required of all candidates in the primary election. Finally, the 10-G report covers contributions and expenditures from September 23, 2019, through October 27, 2019, a period which is not covered

³⁰ La. R.S. 18:1505.4(A)(4).

³¹ BOE-4.

³² *Id.*

by the 30-P and 10-P reports.³³

The Schedule³⁴ informed Respondent the 30-P report was due September 12, 2019, the 10-P report was due October 2, 2019, and the 10-G report was due November 6, 2019.³⁵ The Schedule also advised Respondent that a 30-P, a 10-P, and a 10-G report were required of all candidates for a “major” office in the primary election.

The BOE proved Respondent, a candidate for “major” office, has failed to file a 30-P report and a 10-P report more than six days after the reports’ due date. The BOE proved Respondent, a candidate for “major” office, has failed to file a 10-G report more than eleven days after the report’s due date. The BOE, in its capacity as the Supervisory Committee for Campaign Finance Disclosure, may impose additional late fee penalties as authorized La. R.S. 18:1505.4(A)(4)(a) and (b), not to exceed ten thousand dollars (\$10,000.00) for each late report.

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³³ *Id.*

³⁴ BOE-4.

³⁵ *Id.*

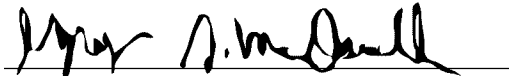
ORDER

IT IS ORDERED that Patrick E. “Live Wire” Landry’s 2019 30-P campaign finance disclosure report is more than six days late, and the Board of Ethics may impose upon Patrick E. “Live Wire” Landry an additional civil penalty as allowed by La. R.S. 18:1505.4(A)(4)(a).

IT IS FURTHER ORDERED that Patrick E. “Live Wire” Landry’s 2019 10-P campaign finance disclosure report is more than six days late, and the Board of Ethics may impose upon Patrick E. “Live Wire” Landry an additional civil penalty as allowed by La. R.S.18:1505.4(A)(4)(a).

IT IS FURTHER ORDERED that Patrick E. “Live Wire” Landry’s 2019 10-G campaign finance disclosure report is more than eleven days late, and the Board of Ethics may impose upon Patrick E. “Live Wire” Landry an additional civil penalty as allowed by La. R.S.18:1505.4(A)(4)(b).

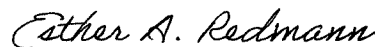
Rendered and signed December 2, 2020, Baton Rouge, Louisiana.



Gregory J. McDonald
Presiding Administrative Law Judge



Anthony Russo
Administrative Law Judge



Esther Redmann
Administrative Law Judge

NOTICE OF TRANSMISSION OF DECISION OR ORDER

I certify that on Friday, December 04, 2020, I have sent a copy of this decision/order to all parties of this matter.

REVIEW RIGHTS

This decision exhausts your administrative remedies. If you are dissatisfied with this ruling, you may have the right to seek a rehearing or reconsideration of this decision or order, subject to the grounds for and time limitations provided in Louisiana Revised Statute 49:959 and Louisiana Code of Civil Procedure article 5059. To determine your review rights, you should act promptly and seek legal advice.

To request a rehearing or reconsideration, please send it to one of the addresses indicated below:

EMAIL documents to:
EABprocessing@adminlaw.state.la.us

FAX documents to:
EAB Section Deputy Clerk
(225) 219-9820

MAIL documents to:
DAL – EAB Section
ATTN: EAB Section Deputy Clerk
P. O. Box 44033
Baton Rouge, LA 70804-4033

If you do not request a rehearing of your decision or your rehearing request is denied, you have the right to seek judicial review in accordance with La. R.S. 49:964, La. R.S. 42:1142(A)(1), and La. C.C.P. art 5059. To determine your review rights, you should act promptly and seek legal advice.